

Appl. No. : 10/824,766
Filed : April 13, 2004

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the following remarks.

Claims 26-32 Comply with 35 USC 112

Claims 26-32 have been rejected as anticipated under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Examiner has argued that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time of the application was filed, had possession of the claimed invention. The Examiner specifically stated that there was no mention of insulation in the specification of the present application and, therefore, that the limitation "at least a portion of a wall separating the combustion box from the oven cavity not being insulated" does not comply with the written description requirement.

Applicant respectfully submits that the limitation "at least a portion of a wall separating the combustion box from the oven cavity not being insulated" complies with the written description requirement. To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. The claim language can be supported in the specification through express, implicit or inherent disclosure.

Applicant agrees that the word "insulation" is not present in the present application. Instead, the application describes in several locations that the oven can be used in a true bake mode such that radiant heat and/or heated air passes directly from the combustion box into the oven cavity. For example, the Abstract states that "the oven may alternatively be operated in a fan-off mode, thus allowing the oven cavity to be heated by the upward flow of air due to natural convection." Moreover, in paragraph [0027], the specification states that

"the oven bottom wall 16 preferably includes a thin-walled raised portion 62 in fluid communication with the combustion box 36. In one embodiment, the oven bottom wall 16 includes longitudinal openings 64 extending parallel to the oven side walls 14, and in fluid communication with the combustion box 36. ... The openings 64 provide the advantage of allowing the oven to be operated in both fan-off and fan-on conditions."

Furthermore, paragraph [0037] states that, in the bake mode, "the heat produced by the burner 38 will heat the air in the combustion box, and **will be conducted through the thin walled oven**

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bottom wall 16.” Emphasis added. Thus, while “at least a portion of a wall separating the combustion box from the oven cavity not being insulated” may not be explicitly disclosed in a word-for-word manner, it clearly is disclosed implicitly or inherently. Without a portion of the wall separating the combustion box from the oven cavity not being insulated, heat from the combustion box could not be conducted through the thin walled oven bottom wall. For at least this reason, Claim 1 complies with 35 USC 112, first paragraph. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 26-32 Are Not Anticipated

Claims 26-32 have been rejected as anticipated by Gilliom (US Pat. No. 4,108,139). Applicant respectfully disagrees. Gilliom disclosed a convention oven that was incapable of being operated in a bake mode due to the insulation present between the heat source and the oven cavity.

The Examiner has stated that the prior art relied upon is capable of being operated in bake mode as well as convention mode. The Examiner also has stated that the purpose of the insulation is not to keep the heat of the burner out of the oven cavity but to protect the housing and environment from high temperature heat produced during the self cleaning mode. For this latter point, the Examiner has specifically highlighted the first paragraph of the detailed description, which states: “It is a gas range and, in general respects, it need only be noted that the oven to be described in detail is capable of pyrolytic or high temperature self-cleaning, which accounts for the heavy glas [sic] wool insulation that appears and parts of the system for locking the door closed while the oven is being operated in its high temperature mode.”

Applicant disagrees with the Examiner. First, Gilliom specifically states that the invention relates to “convention ovens.” Nowhere does Gilliom mention a “bake mode.” The burner box of Gilliom clearly is insulated from the oven cavity. Col. 3, lines 57-60 state “the heat source is a gas burner 27 contained within a burner box 28 that is located beneath the oven cavity at one side of the same, the left as viewed from the front, with some of the thermal insulation between the two.” If the insulation is desired to protect the housing and the environment from the high heat during self cleaning, as argued by the Examiner, the insulation clearly will guard against sufficient transfer of heat into the oven cavity during the much lower temperature cooking cycles. Thus, there is a complete inability to operate in a “bake mode.”

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Moreover, the off-center location of the heat source also impairs the ability of the disclosed oven to be operated in "bake mode" because the off-center location will cause nonuniform cooking results even if the heat were able to be transferred into the oven cavity from that location. Thus, contrary to the assertions of the Examiner, the oven of Gilliom is not able to be operated in a bake mode as well as a convention mode.

Claim 26 is not anticipated because Gilliom failed to disclose at least one limitation recited by Claim 26. Claim 26 recites, among other limitations, at least a portion of a wall separating the combustion box from the oven cavity not being insulated. As discussed above, this limitation is implicitly and/or inherently disclosed in the present application and this limitation is not disclosed by Gilliom. Thus, Claim 26 is not anticipated by Gilliom.

Claims 27-32 depend from Claim 26 and are not anticipated by Gilliom for at least the same reasons that Claim 26 is not anticipated by Gilliom. Moreover, at least some of these claims recite further patentable distinctions. For instance, Claim 28 recites openings formed in a bottom wall of the oven separating the oven cavity from the combustion box. Contrary to the Examiner's assertions, Figure 1 does not show any such openings and Figure 2 clearly shows that there are no openings formed in the bottom wall of the oven separating the oven cavity from the combustion box. Thus, Claim 28 is not anticipated by Gilliom. Moreover, Claim 30 recites, among other limitations, that the combustion box comprises a plurality of air inlet holes. Air is supplied to Gilliom's burner box through a clearance 33 that is provided between the front range bottom panel 31 and the body of the range. Thus, Gilliom did not disclose multiple air inlet holes. For at least these reasons, Claims 27-32 are not anticipated by Gilliom. Reconsideration and allowance of Claims 27-32 are respectfully requested.

New Claims 33-65 Have Been Added

Applicant, during a review of the present application, has added new Claims 33-65 to provide additional scopes of protection in the present application. Consideration and allowance of these new claims are respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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